

UNITED STATES BANKRUPTCY COURT
Eastern District of Missouri
Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street, Fourth Floor
St. Louis, MO 63102

Eastern District of Missouri

In re: Don H Curby

Debtor(s):

Don H Curby – See below for reported alias information. xxx-xx-4144
– See below for reported alias information.

Case No.: 20-45290

CHAPTER: 7

ORDER AND NOTICE OF DISMISSAL

TO: ALL CREDITORS AND PARTIES IN INTEREST

PLEASE TAKE NOTE: THIS CASE IS BEFORE THE COURT FOR DISMISSAL FOR THE REASON(S) IDENTIFIED BY ☒ BELOW.

- ☐ **The United States Trustee** moved to Dismiss this case in accordance with 11 U.S.C. § 707(a) or § 707(b)(1), and after notice and hearing;

The Trustee:

- ☐ The trustee moved to dismiss this case ☐ for abuse in accordance with 11 U.S.C. § 707(b)(1); or ☐ for such other reasons stated in the motion, and after notice and hearing;

A Party In Interest:

- ☐ A party in interest moved to dismiss this case ☐ for abuse in accordance with 11 U.S.C. § 707(b)(1); or ☐ for failure to provide tax documents in accordance with § 521(e)(2)(C) and orders of this Court; or ☐ for such other reasons stated in the motion, and after notice and hearing;

The Debtor(s):

- ☐ moved to Dismiss this case, and after notice and hearing;
- ☐ failed to file ☐ one or more Schedules and/or Statement of Affairs; ☐ a Matrix and/or Verification of Matrix in the proper form and within the time permitted; ☐ a Chapter 7 Statement of Current Monthly Income (B122 A-1), if necessary Chapter 7 Means Test Calculation (B122 A-2) or Statement of Exemption from Presumption of Abuse Under § 707(b)(2) (B122 A-1Supp); ☐ a Credit Counseling Certificate indicating compliance with 11 U.S.C. § 109(h)(1); a Certification of Exigent Circumstances, or a Motion for Exemption from Credit Counseling under § 109(h)(4); ☐ a Statement of Corporate Ownership; or ☐ Debtor(s) failed to provide a Social Security Number(s) or B121 Form(s) within the time permitted; ☐ Debtor's attorney failed to file a Rule 2016(b) Disclosure of Compensation; and/or ☐ . The Court advised the Debtor(s) and Debtor's attorney that failure to file these documents properly within the time specified would result in dismissal of the case.
- ☒ failed to appear at the meeting of creditors and failed to obtain the Chapter 7 Trustee's consent to a further continued date. The Chapter 7 Trustee has certified that he/she notified the Debtor(s) that failure to appear at the continued hearing would result in dismissal of the case.
- ☐ failed to provide ☐ tax documents to the trustee in accordance with § 521(e)(2)(B) and orders of this Court; and/or ☐ payment advices to the trustee in accordance with § 521(a)(1)(B)(iv) and orders of this Court.

- ☐ failed to pay the appropriate filing fee; failed to file a proper Application to Pay Filing Fees in Installments at the time the petition was filed or within such additional time allowed (LR 1002 A); or failed to pay the filing fee on the terms set forth in the Order Approving Installment Fee Application previously entered in this case.

The Court:

- ☐ on its own motion or show cause, moved to dismiss this case under 11 U.S.C. §§ 707(a) or 105(a) for failure to comply with Court order and/or for delay or abuse of the bankruptcy process.

Other Reason(s) for Dismissal:

☐

ACCORDINGLY,

IT IS ORDERED that for the reason(s) identified in the motion or on the record at hearing, if any, the Motion to Dismiss identified in this Order and Notice is **GRANTED**, and this Chapter 7 case is **DISMISSED** prior to entry of an order of discharge.

- ☒ **IT IS FURTHER ORDERED** that this case is dismissed under U.S.C. § 109(g)(1) and the Debtor(s) is/are prohibited from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days from the date of entry of this order pursuant to In re Montgomery, 37 F.3d 413 (8th Cir. 1994).
- ☐ **IT IS FURTHER ORDERED** that this case is dismissed under 11 U.S.C. § 109(g) and the Debtor(s) is/are prohibited from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days from the date of entry of this order.
- ☐ **IT IS FURTHER ORDERED** that this case is dismissed with prejudice under 11 U.S.C. § 105(a) and the Debtor(s) is/are prohibited from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days from the date of entry of this order.
- ☐ **IT IS FURTHER ORDERED** that even though this case is dismissed, the Debtor(s) owe(s) \$ for the filing fee in this case and the Debtor(s) **MUST PAY THIS AMOUNT TO THE COURT WITHIN FIVE BUSINESS DAYS OF THIS ORDER**. If the Debtor(s) fail(s) to pay the amount owed to the Court within five business days, the Debtor(s) is/are prohibited from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days from the date of dismissal. If the Debtor(s) file(s) a subsequent bankruptcy case while prior filing fees remain outstanding, the Court will ordinarily deny any Application to Pay Filing Fees in Installments in the subsequent case.

IT IS FURTHER ORDERED that the automatic stays of 11 U.S.C. § 362 are hereby terminated, and the Chapter 7 Trustee is relieved of his/her bond requirement in this case and all pending matters are **DENIED** as moot.



U.S. Bankruptcy Judge

Dated: 1/26/21

Rev. 11/17 ntcdsm

Reported Alias Information:

Don H Curby –

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